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TECHNOLOGY CENTER 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Daniel J. McKernan et al.  
Serial No.: 10/039,857  
Filing Date: 10/26/2001  
For: METHOD AND APPARATUS FOR FIXING A GRAFT  
IN A BONE TUNNEL

Group Art Unit No.: 3738  
Examiner: Hieu Phan  
Attorney's Docket No.: MIT-0246

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED  
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April 28, 2004

(DATE OF DEPOSIT)

James A. Sheridan

(NAME OF ATTORNEY)

James A. Sheridan 4/28/04

(SIGNATURE)

April 28, 2004

(DATE OF SIGNATURE)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is in response to the outstanding Official Action in  
the above-identified application, in which the Examiner indicated  
that the application contains claims directed to the following  
patentably distinct species of the claimed invention:

- Specie 1: Fig. 42;
- Specie 2: Figs. 43 and 44;
- Specie 3: Fig. 45;
- Specie 4: Figs. 46 and 47; and
- Specie 5: Fig. 48.

MIT-0246

In response, Applicants hereby elect, without prejudice, to prosecute the invention of Specie 2, Figs. 43 and 44.

Claims 1-11 and 18-22 are believed to be readable on the elected species.

Applicants expressly reserve the right to prosecute all non-elected subject matter in related applications.

Respectfully submitted,

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